

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

CHARLES FLENTROY,	§	
Petitioner,	§	
v.	§	C.A. NO. C-05-346
	§	
DOUG DRETKE, DIRECTOR,	§	
TEXAS DEPARTMENT OF	§	
CRIMINAL JUSTICE -	§	
INSTITUTIONAL DIVISION,	§	
Respondent.	§	


**MEMORANDUM OPINION AND ORDER GRANTING RESPONDENT'S
MOTION FOR SUMMARY JUDGMENT AND DENYING PETITIONER'S
MOTION TO AMEND OR CONVERT HIS PETITION TO A
CIVIL RIGHTS ACTION**

On January 27, 2006, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 13). After ample opportunity, no objections have been filed by either party. This Court regards such omission as each party's agreement with and acceptance of the Magistrate Judge's findings of fact and conclusions of law. Having reviewed the pleadings on file, the Court finds no clear error in the Magistrate Judge's Memorandum and Recommendation. *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). This Court adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, defendant's Motion for Summary Judgment (D.E. 10) is granted and petitioner's cause of action for habeas relief is dismissed without prejudice to petitioner refiling his cause of action under 42 U.S.C. § 1983. Petitioner's Motion to Amend or

Convert his Petition to a Civil Rights Action (D.E. 11) is denied.

ORDERED this 28th day of February, 2006.


HAYDEN HEAD
CHIEF JUDGE